

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

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Agency at a Glance

The Texas Board of Architectural Examiners regulates architects, landscape architects, and registered interior designers in the state. The Board was established to regulate architects after a 1937 explosion at a school in New London, Texas caused by design flaws, killed more than 300 students and teachers. A separate agency created to regulate landscape architects in 1969 was combined with the Board in 1979. The Legislature added the regulation of interior designers in 1991. The Board regulated 12,482 architects, 1,485 landscape architects, and 5,217 registered interior designers in fiscal year 2011. To fulfill its mission of protecting the public, the Board carries out the following key activities.

- Licenses architects and landscape architects practicing in Texas.
- Licenses interior designers who wish to call themselves Registered Interior Designers.
- Receives and investigates complaints concerning licensees, and takes disciplinary actions against individuals who violate the Board's statute or rules.
- Provides information to licensees, building officials, and the public.

Effective state regulation depends on equally applying licensing requirements to all practitioners.

As a state agency operating under the Self-Directed Semi-Independent (SDSI) Agency Project Act, the Board does not receive legislative appropriations, but instead collects its own revenue from licensing fees and sets its own budget.

Summary

Since the inception of the Board of Architectural Examiners over 70 years ago, the agency's responsibilities have grown from regulating practitioners using the title "architect" to regulating the practice of architecture, landscape architecture, and the use of the title "registered interior designer." The Sunset Commission found that the State should continue to regulate these professions. The Commission found that effective state regulation of interior designers depends on equally applying requirements for licenses or registrations to all practitioners who enjoy the state sanction. Specifically, the Sunset action would phase out the grandfather provision that currently allows some interior designers to be registered without ever having to pass the registration examination.

The Sunset Commission also evaluated other organizational approaches for regulating these design professionals, but did not find that structural changes would result in significant efficiencies or cost savings to the State at this time, and recommended continuing the Board for 12 years. Finally, the Commission compared the Board's statute against standard licensing practices and identified changes that would enhance fairness, public protection, and improve the consistency of the Board's operations.

The Commission found that the Board should continue to operate outside the legislative appropriations process under the SDSI Act as discussed in a separate section of this report. The following material summarizes the Sunset Commission's recommendations on the Board.

Issue 1

The State Has a Continuing Need to Regulate Architects, Landscape Architects, and Registered Interior Designers.

The Sunset Commission found that the State should continue to license and regulate architects, landscape architects, and registered interior designers as a way to assure the public that these professionals have maintained the appropriate level of education, completed the requisite experience, and have passed the required exam. However, nearly 60 percent of the Board's current registered interior designers were grandfathered into the profession and do not meet the current standards for registration. While such grandfather provisions are not unusual for regulatory programs, they do undermine the promise of competence when engaging a licensed professional — especially when more than half of those registered have not had to pass the registration examination. These provisions also give preferential treatment to grandfathered registrants over others who must pass the registration exam. Finally, the Board has struggled to provide data to show the results of its efforts, especially outreach and customer service, to achieve better compliance with regulatory requirements.

Recommendations

Change in Statute

1.1 Continue the Texas Board of Architectural Examiners for 12 years.

This recommendation would continue the Texas Board of Architectural Examiners as an independent agency responsible for overseeing architects, landscape architects, and registered interior designers.

1.2 Eliminate the grandfather provision for registered interior designers who have not passed the registration examination.

This recommendation would require registered interior designers who have not passed the registration examination to do so within three years of the effective date of the applicable legislation in order to continue to use the title "registered interior designer" beyond that date.

Management Action

1.3 Direct the Board to measure the effects its customer service and outreach efforts have on licensing and enforcement.

This recommendation directs the Board to tie both its customer service and outreach functions to its regulatory functions by collecting data that highlight the impact of those efforts on licensing and enforcement.

Issue 2

Key Elements of the Texas Board of Architectural Examiners' Statute Do Not Conform to Common Licensing Standards.

In reviewing the Board's regulatory functions, the Sunset Commission found that certain licensing and enforcement processes in the Board's statute do not match model standards developed over many years of Sunset reviews of regulatory agencies.

Recommendations

Change in Statute

2.1 Clarify statute to require the Board to assess the \$200 professional fee at initial registration and renewal for all three regulated professions.

This recommendation would change statute to apply the \$200 professional fee for architects at the time of license issuance as the law currently provides for landscape architects and registered interior designers, and not just on the renewal of the architect's license.

2.2 Require the Board to conduct fingerprint-based criminal background checks of applicants and licensees with active licenses.

This recommendation would require the Board to conduct fingerprint-based criminal background checks, instead of the self-reporting and name-based checks the agency currently uses that can be inaccurate and provide incomplete information. Fingerprint-based checks through the Department of Public Safety on all applicants and licensees would provide complete federal and state criminal histories of applicants to help the Board ensure that licensed design professionals have not engaged in criminal activity in Texas or another state that may affect their ability to perform the job, such as being a fiduciary, as commonly occurs. Currently, about 51 agencies use fingerprints to assess the criminal backgrounds of persons they license, with the licensees typically paying these costs.

2.3 Clarify statute to require the Board to use only its own renewal fee when calculating penalties for late renewal.

Under this recommendation, the Board would no longer calculate penalties for late renewal using the \$200 statutory professional fee, which is paid to the State and is not an agency fee. Instead, the Board would use only its own renewal fee when calculating such penalties.

2.4 Clarify statute to authorize the Board to apply administrative penalties per violation per day.

This recommendation would clarify statute to allow the Board to apply its administrative penalties per violation for each day the violation occurred, as is the standard approach for other regulatory agencies.

Fiscal Implication Summary

When fully implemented, these recommendations would result in an estimated annual gain of \$55,000 to the General Revenue Fund, as summarized below.

Issue 2 — Clarifying that the \$200 professional fee applies to architects at initial licensure would result in the Board collecting an additional \$55,000 annually to be deposited to General Revenue, as shown in the chart below.

Clarifying that the penalty for late renewal would be based only on the agency's renewal fee, and not the \$200 professional fee paid to the State, would reduce revenue to the agency by about \$155,000 annually. However, because the Board operates outside the legislative appropriations process as an SDSI agency, this change would not have an impact to the State.

Texas Board of Architectural Examiners

Fiscal Year	Gain to the General Revenue Fund
2014	\$55,000
2015	\$55,000
2016	\$55,000
2017	\$55,000
2018	\$55,000